

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

KRISHNA REDDY,)	Case No.: C 11-05632 PSG
)	
Plaintiff,)	ORDER DENYING MOTION FOR
v.)	DISQUALIFICATION
)	
NUANCE COMMUNICATIONS, INC., et.al.,)	(Re: Docket No. 152)
)	
Defendants.)	
)	

On December 4, 2012, Plaintiff Krishna Reddy (“Reddy”) filed a “Motion for Disqualification of Judge Paul Singh Grewal” and requested prior rulings and orders in this case to be vacated. As explained below, no circumstance requiring disqualification applies here; therefore, Reddy’s motion is DENIED.

I. LEGAL STANDARDS

Under 28 U.S.C. § 455(a), a magistrate judge “shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.” The goal of Section 455 is “to avoid even the appearance of partiality.”¹ Thus, disqualification or recusal, may be warranted even in cases where

¹ *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847, 860 (1988) (internal quotations omitted).

no actual partiality exists.² A court considering a disqualification request under Section 455(a) must ask “whether a reasonable person with knowledge of all the facts would conclude that the judge’s impartiality might reasonably be questioned.”³ The reasonable person is not “‘hypersensitive or unduly suspicious,’ but rather is a ‘well-informed, thoughtful observer.’”⁴ If the reasonable person would not find a basis for partiality, a judge has an obligation to participate in the cases he is assigned.⁵ The standard for recusal must not be so broadly construed that recusal becomes “mandated upon the merest unsubstantiated suggestion of personal bias or prejudice.”⁶

Under 28 U.S.C. § 455(b)(1), a magistrate judge shall recuse himself “[w]here he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding.”

Under 28 U.S.C. § 455(b)(5)(i), a magistrate judge must also recuse himself if “[h]e or his spouse, or a person within the third degree of relations to either of them, or the spouse of such a person is a party to the proceeding, or an officer, director, or trustee of a party.”

II. DISCUSSION

As grounds for her request, Reddy claims that the undersigned’s impartiality might reasonably be questioned in light of various rulings in this case and *Reddy v. Medquist*.⁷ Among the rulings Reddy points to are the orders in this case granting Defendants’ partial motion to dismiss and denying Reddy’s cross-motion, and an order in her case against MedQuist declaring

² *See id.*

³ *United States v. Holland*, 519 F.3d 909, 913 (9th Cir. 2008) (internal quotation marks omitted).

⁴ *Id.* (quoting *In re Mason*, 916 F.2d 384, 386 (7th Cir. 1990)).

⁵ *See id.* at 912.

⁶ *Id.* (internal quotation marks omitted).

⁷ Case No. 12-01324 PSG (N.D. Cal.).

1 her a vexatious litigant. Because these rulings were based on facts introduced in the course of the
2 respective proceedings, they do not offer grounds for recusal.⁸

3 Second, Reddy claims that the undersigned improperly incorporated the arguments of her
4 adversaries verbatim and did not consider the arguments she presented. This, says Reddy, reflects
5 personal bias or prejudice against her. Because Reddy's assertions about what the undersigned did
6 and did not consider are not correct, this basis is insufficient to warrant recusal.

7 Finally, Reddy claims that the common religious beliefs of the undersigned and one of the
8 attorneys representing Defendants indicates an impermissible relation by blood. This is incorrect.
9 The undersigned is not related to the opposing attorney in any way, by blood or otherwise.
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11 III. CONCLUSION

12 Reddy's motion to disqualify the undersigned and vacate prior rulings and orders in this
13 case is DENIED.

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15 IT IS SO ORDERED.

16 Dated: December 20, 2012

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19 PAUL S. GREWAL
20 United States Magistrate Judge
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27 ⁸ See *Liteky v. United States*, 510 U.S. 540, 555 (1994). See also *United States v. Sibla*, 624 F.2d
28 864, 868 (9th Cir. 1980) (holding affidavit seeking recusal not legally sufficient because it did not
allege facts demonstrating bias or prejudice "stem[ming] from an extrajudicial source").